

SEALED BY ORDER  
OF THE COURT

## UNITED STATES DISTRICT COURT

NORTHERN DISTRICT OF CALIFORNIA

FILED

2007 AUG -2 A 8:18

SAN JOSE DIVISION

RICHARD W. WIEKING  
CLERK  
U.S. DISTRICT COURT  
NO. DIST. OF CA. S.J.

THE UNITED STATES OF AMERICA

vs.

ROBERT VILLARREAL and  
DAVID RAY HERNANDEZ a/k/a "SHAGGY"

## INDICTMENT

Count One: Title 21, United States Code, Sections 846 and 841(b)(1)(B)(viii) - Conspiracy to Distribute of Methamphetamine

Count Two: Title 21, United States Code, Sections 841(a)(1) and 841(b)(1)(B)(viii) - Distribution of Methamphetamine

*A true bill.*

  
Foreperson

*Filed in open court this 1 day of Aug 2007*

*A.D. 2007*

  
UNITED STATES MAGISTRATE JUDGE

*Bail. \$ NO BAIL WARRANT*  
*RS*

DOCUMENT NO.	CLERK
1	(initials)
DISTRICT COURT CRIMINAL CASE PROCESSING	

SCOTT N. SCHOOLS (SCBN 9990)  
United States Attorney

FILED

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OF THE COURT

RICHARD W. WIEKING  
CLERK  
U.S. DISTRICT COURT  
NO. DIST. OF CA. S.D.

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA  
SAN JOSE DIVISION

UNITED STATES OF AMERICA,

Plaintiff,

v.

ROBERT VILLARREAL and  
DAVID RAY HERNANDEZ,  
a/k/a "SHAGGY",

Defendants.

CR

No.

07 00506RMW

VIOLATIONS: 21 U.S.C. § 846 –  
Conspiracy to Distribute Methamphetamine  
21 U.S.C. § 841(a)(1) – Distribution of  
Methamphetamine

SAN JOSE VENUE

INDICTMENT

The Grand Jury charges:

COUNT ONE: (21 U.S.C. §§ 846 and 841(b)(1)(B)(viii))

On or about March 30, 2006, and continuing through and including March 31, 2006,  
in the Northern District of California, the defendants,

ROBERT VILLARREAL and  
DAVID RAY HERNANDEZ,  
a/k/a "SHAGGY",

INDICTMENT

1 did knowingly and intentionally conspire with other persons known and unknown to the Grand  
2 Jury to distribute a controlled substance, to wit, 5 grams and more of methamphetamine,  
3 its salts, isomers, and salts of its isomers, in violation of Title 21, United States Code, Sections  
4 846 and 841(b)(1)(B)(viii).

5 COUNT TWO: (21 U.S.C. §§ 841(a)(1) and 841(b)(1)(B)(viii))

6 On or about March 31, 2006, in the Northern District of California, the defendants,

7  
8 ROBERT VILLARREAL and  
9 DAVID RAY HERNANDEZ,  
a/k/a "SHAGGY",

10 did knowingly and intentionally distribute a controlled substance, to wit, 5 grams and more of  
11 methamphetamine, its salts, isomers, and salts of its isomers, in violation of Title 21, United  
12 States Code, Sections 841(a)(1) and 841(b)(1)(B)(viii).

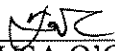
13  
14 A TRUE BILL.

15  
16  
17 DATED: 8/1/07

18  
19   
FOREPERSON

20 SCOTT N. SCHOOLS  
United States Attorney

21   
22 DAVID R. CALLAWAY  
Deputy Chief, San Jose Office

23  
24 (Approved as to form: )  
25 AUSA O'Connell  
26  
27  
28

# DE-ENDANT INFORMATION RELATIVE TO A CRIMINAL ACTION - IN U.S. DISTRICT COURT

BY: ☐ COMPLAINT ☐ INFORMATION ☒ INDICTMENT ☐ SUPERSEDING

Name of District Court, and/or Judge/Magistrate Location

NORTHERN DISTRICT OF CALIFORNIA

## OFFENSE CHARGED

SEE ATTACHMENT TO PENALTY SHEET

PENALTY:

SEE ATTACHMENT TO PENALTY SHEET

07 AUG -2 AM 8:19  
 RICHARD W. WIEKING  
 U.S. DISTRICT COURT  
 NO. 00506  
 Petty  
 Minor  
 Misdemeanor  
 Felony

CR

DEFENDANT - U.S.

ROBERT VILLARREAL

DISTRICT COURT NUMBER

07 00506

ZMW

RS

## DEFENDANT

### IS NOT IN CUSTODY

- 1) ☒ Has not been arrested, pending outcome this proceeding.  
 If not detained give date any prior summons was served on above charges
- 2) ☐ Is a Fugitive
- 3) ☐ Is on Bail or Release from (show District)

### IS IN CUSTODY

- 4) ☐ On this charge
- 5) ☐ On another conviction
- 6) ☐ Awaiting trial on other charges
- If answer to (6) is "Yes", show name of institution

Has detainer been filed? ☐ Yes ☐ No

If "Yes" give date filed

DATE OF ARREST

Month/Day/Year

Or... if Arresting Agency &amp; Warrant were not

Month/Day/Year

DATE TRANSFERRED TO U.S. CUSTODY

☐ This report amends AO 257 previously submitted

## PROCEEDING

Name of Complainant Agency, or Person (&amp;Title, if any)

S/A Robert Patrizi-ATF

☐ person is awaiting trial in another Federal or State Court, give name of court

☐ this person/proceeding is transferred from another district per (circle one) FRCrP 20, 21 or 40. Show District

☐ this is a reprosecution of charges previously dismissed which were dismissed on motion of:

SHOW DOCKET NO.

☐ U.S. Att'y ☐ Defense

☐ this prosecution relates to a pending case involving this same defendant

MAGISTRATE CASE NO.

☐ prior proceedings or appearance(s) before U.S. Magistrate regarding this defendant were recorded under

Name and Office of Person  
Furnishing Information on  
THIS FORM

SCOTT N. SCHOOLS

☒ U.S. Att'y ☐ Other U.S. Agency

Name of Asst. U.S. Att'y  
(if assigned)

THOMAS M. O'CONNELL

## ADDITIONAL INFORMATION OR COMMENTS

### PROCESS:

☐ SUMMONS ☐ NO PROCESS\* ☒ WARRANT Bail Amount: NO BAIL

If Summons, complete following:

☐ Arraignment ☐ Initial Appearance

Defendant Address:

\*Where defendant previously apprehended on complaint, no new summons or warrant needed, since Magistrate has scheduled arraignment

Date/Time:

Before Judge:

Comments:

UNITED STATES OF AMERICA

v.

ROBERT VILLARREAL and  
STEVEN COTA a/k/a "ROOSTER"

**ATTACHMENT TO PENALTY SHEET**

Count One: Title 21, United States Code, Sections 846 and 841(b)(1)(B)(viii) - Conspiracy to Distribute Methamphetamine

5 years imprisonment (mandatory minimum)  
40 imprisonment (maximum)  
\$2,000,000 Fine  
4 years of supervised release  
\$100 special assessment

Count Two: Title 21, United States Code, Sections 846 and 841(b)(1)(B)(viii) - Distribution of Methamphetamine

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☐ Petty  
☐ Minor  
☐ Misdemeanor  
☒ Felony

CR

DEFENDANT - U.S.

DAVID RAY HERNANDEZ a/k/a "SHAGGY"

DISTRICT COURT NUMBER

07 00506

DEFENDANT

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SCOTT N. SCHOOLS

☒ U.S. Att'y ☐ Other U.S. Agency

Name of Asst. U.S. Att'y  
(if assigned)

THOMAS M. O'CONNELL

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